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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,298	03/16/2004	Rudolf Kienzler	72111	3893
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NORMAN H. ZIVIN		EXAMINER		
Cooper & Dunham LLP		KENNEDY, JOSHUA T		
1185 Avenue of the Americas				
New York, NY 10036				
		ART UNIT PAPER NUMBER		
		3679		
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		11/30/2007 PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,298

Applicant(s)

KIENZLER, RUDOLF

Examiner

Joshua T. Kennedy

Art Unit

3679

JK

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 11, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 13-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/29/2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

Claims 10, 11, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Keehn (US 2,408,560).

As to Claims 10 and 19, Keehn discloses a lock pin with pushbutton-operated axial locking, comprising a tubular body (4) having radially outwards directed recesses (39), an actuating plunger (16) in said tubular body and axially displaceable under spring loading (28), a plurality of rigid locking elements (38) pointing in opposite directions which are mounted in said radially outwards directed recesses the body (Fig 4) and

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which are moved by pressure of said plunger, and wherein the locking elements interlock with each other (Fig 5) and wherein a proximate end tip of the actuating plunger forms a bearing shaft (44) that bears against the locking elements which form a pivot bearing shell for the bearing shaft.

As to Claims 11 and 20, Keehn discloses a lock pin wherein the locking elements are rigid, inflexible bodies.

Claims 10, 11, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Mills et al. (US 6,752,562).

As to Claims 10 and 19, Mills discloses a lock pin (10) with pushbutton-operated axial locking, comprising a tubular body (14) having radially outwards directed recesses (42), an actuating plunger (16) in said tubular body and axially displaceable under spring loading (66), a plurality of rigid locking elements (82) pointing in opposite directions which are mounted in said radially outwards directed recesses the body and which are moved by pressure of said plunger, and wherein the locking elements interlock with each other (both 80 are unconnected except by the bearing shaft, as in applicant's invention) and wherein a proximate end tip of the actuating plunger forms a bearing shaft (86 is located at the end of the proximate end as seen in Fig 2. Therefore, Examiner considers the shaft 86 to be at the tip of the plunger 16 and bearing against the interior walls of the through holes in each locking element) that bears against the

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locking elements which form a pivot bearing shell (column 4 lines 33-35) for the bearing shaft.

As to Claims 11 and 20, Mills discloses a lock pin wherein the locking elements are rigid, inflexible bodies.

Claims 10, 11, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Leitner (DE 3,223,302).

As to Claims 10 and 19, Leitner discloses a lock pin with pushbutton-operated axial locking, comprising a tubular body (1) having radially outwards directed recesses (18 and 19), an actuating plunger (2) in said tubular body and axially displaceable under spring loading (21), a plurality of rigid locking elements (12 and 13) pointing in opposite directions which are mounted in said radially outwards directed recesses the body and which are moved by pressure of said plunger, and wherein the locking elements interlock with each other (both 12 and 13 are unconnected except by the bearing shaft, as in applicant's invention) and wherein a proximate end tip of the actuating plunger forms a bearing shaft (11 is located at the end of the proximate end as seen in Fig 3. Therefore, Examiner considers the shaft 11 to be at the tip of the plunger and bearing against the interior walls of the through holes in each locking elements 12 and 13) that bears against the locking elements which form a pivot bearing shell for the bearing shaft.

As to Claims 11 and 20, Leitner discloses a lock pin wherein the locking elements are rigid, inflexible bodies.

Claims 10, 11, 19, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kimbrell (US 575,032).

As to Claims 10 and 19, Kimbrell discloses a lock pin with pushbutton-operated axial locking, comprising a tubular body (P) having radially outwards directed recesses (at K), an actuating plunger (A) in said tubular body and axially displaceable under spring loading (S), a plurality of rigid locking elements (K) pointing in opposite directions which are mounted in said radially outwards directed recesses the body and which are moved by pressure of said plunger, and wherein the locking elements interlock with each other (both 12 and 13 are unconnected except by the bearing shaft, as in applicant's invention) and wherein a proximate end tip of the actuating plunger forms a bearing shaft (Examiner considers the proximate end tip of the plunger to be the triangular portion located just above locking elements K in Fig 2) that bears against the locking elements which form a pivot bearing shell for the bearing shaft.

As to Claims 11 and 20, Kimbrell discloses a lock pin wherein the locking elements are rigid, inflexible bodies.

Response to Arguments

Applicant's arguments filed 9/20/2007 have been fully considered but they are not persuasive.

Applicant argues that neither Mills et al. nor Leitner nor Kimbrell disclose a proximate end tip of their respective plunger forming a bearing shaft that bears against the locking elements. This is not persuasive. As advanced above, all three references disclose a bearing shaft being located at the tip of proximate end of the plunger and bearing on a portion of the locking elements as is required by the claim limitations.

Conclusion

Applicant's amendment, specifically the addition of the limitations of the end tip of the plunger bears against the locking elements (Claim 10, Lines 5-6; Claim 19, lines 6-7) and the locking elements interlocking with each other (Claim 19, Lines 5-6), necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is (571) 272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JTK

11/27/2007



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